



LOUISBURG PLANNING COMMISSION MEETING MINUTES WEDNESDAY FEBRUARY 25, 2015

The Planning Commission of the City of Louisburg, Kansas met at 7:00 p.m. in the City Hall Council Chambers with Chairperson Andy Sauber presiding.

ATTENDANCE:

Commission Members: Nate Apple, Brandon Fosbinder, Scott Hipp, Rick Phillips, Anne Smith, and Gus Straughen

City Administrator: Rita Cassida (Representing)

City Council: David Cannon

Recording Secretary: Rusty Whitham

Visitors: Bob Nauman, Mark Williams, Kelly Babb, Tom Reichert

ITEM 1: ROLL CALL

ITEM 2: ADOPTION OF THE ADGENDA:

A motion was made by Gus Straughen to adopt the agenda as submitted. The motion was seconded by Nate Apple. Motion passed 7-0.

ITEM 3: APPROVAL OF THE MINUTES:

A motion was made by Brandon Fosbinder to approve the minutes from the December 10, 2014 Special Call Planning Commission Meeting. The motion was seconded by Rick Phillips and passed 7-0.

ITEM 4: PUBLIC COMMENTS: Persons who wish to address the Planning Commission regarding items not on the agenda may do so at this time. Speakers will be limited to three (3) minutes. Any presentation is for information purposes only.

None

ITEM 5: PUBLIC HEARING BUSINESS ITEMS:

None

NON-PUBLIC HEARING BUSINESS:

ITEM 6: Site Plan Waiver – 1201 West Amity, First National Bank (Driveway Access):

Chairperson Andy Sauber read aloud the topic at hand and asked Rita Cassida if there is any additional information that was added after the Planning Commission packets were sent out to the Planning Commission Members. Cassida replied no.

Bob Nauman (First National Bank President) approached the podium and began to explain his request. Nauman stated that he wishes to install a temporary driveway located on the S/E corner of the bank property. This driveway will provide bank access onto Sutherland Drive. Nauman referenced a Site Plan that was provided to all Planning Commission Members. He went on by saying that all costs associated with the temporary driveway access shall be the Bank's responsibility. Nauman highlighted the fact that no funding will be provided by the City. The entire project will be at the Bank's expense.

Nauman stated that the new driveway will provide the public and his customers an additional access to utilize Sutherland Drive. He mentioned that Sutherland Drive is really road that goes nowhere. Because of that, no one uses it. By allowing the Bank to install an additional access, the public will begin to use an untapped resource that was built at great expense. This will be a benefit to his Customers and to the Public. Currently, Customers travel around the bank using the parking lot to access the drive through service windows, postal mailbox, and ATM. By adding an additional access off of Sutherland Drive, a large number of Customers will longer need to drive through the Bank's parking lot. This will be more convenient for the bank Customers and will lessen the possibility of accidents in the bank parking lot. Only Customers wishing to use the Postal Box located on the west side of the bank will continue to drive through his parking lot. Nauman estimates that the temporary driveway will eliminate 80% of the people driving through the parking lot. Nauman stated that this project will allow public access to an unutilized Sutherland Drive and enhance the safety in the Bank's parking lot.

Nauman included a caveat to this discussion. He stated that the Bank requests driveway accesses to the reverse frontage road located on the south side of the bank property when it's developed. Nauman mentioned that when the reverse frontage road is developed, the bank will remove the temporary driveway access on Sutherland drive and its own expense.

Apple asked if they are installing radiuses to the temporary access. Nauman replied that they will meet all City requirements. Cassida mentioned that the access shall be of commercial grade. Apple suggested that this temporary access be made of asphalt. Cassida agreed. Apple confirmed that the access width will be 30' at the throat. Cassida clarified that the maximum width shall be 30' at the throat. The actual size maybe less.

Nauman wanted to clarify that the Bank will be given access to the reverse frontage road when it's developed. Cassida replied yes and added that she has the plans for the Bank's road access onto the reverse access road.

A motion was made by Gus Straughen to allow the First National Bank to construct a temporary driveway access onto Sutherland Drive with the following stipulations.

1. Applicant shall be responsible for all construction of the access to Sutherland Drive.
2. Construction of the access in the right-of-way shall be in accordance with City Standards and APWA standards. *Asphalt shall be allowed in the construction of temporary driveway access.*
3. Applicant shall maintain temporary access in good repair.
4. Applicant shall remove temporary access and restore sidewalk, curb, and landscaping in the right-of-way to as good or better condition within 90 days of completion of the reverse frontage road.
5. Governing Body shall review request for temporary access and approve temporary access agreement.

The motion was seconded by Anne Smith and passed 7-0.

ITEM 7: Electronic Digital Billboard Discussion:

Mark Williams (Senior Vice President of First Option Bank) approached the podium to discuss his request with the Planning Commission. Williams wishes to install an Electronic Digital Sign on the First Option Bank. Unfortunately, the current Zoning Regulations do not address this type of signage. However, the Zoning Regulations do allow for digital signs. Reference section 804.D2 of the Zoning Regulations:

“A sign which displays the current time and/or temperature by use of intermittent lighting shall not be deemed a flashing sign if the lighting changes are limited to text indication time, temperature, or other public messages. Such sign shall not in any case exceed 32 square feet in area.”

Chairperson Andy Sauber explained that he and Nate Apple helped to draft the current sign policies. At the time (1997-1998), their intent was to discourage distractive signs that flashed light. Sauber suggested that sign technology has changed and the Planning Commission may wish to readdress its sign policies.

Williams mentioned that the First Option Bank has been on Broadway for 15 years and the signs are getting old. He wishes to replace the existing sign on the N/W corner of the bank with an Electronic Digital Billboard. This type of sign will allow for the display of time/temp, but also some advertisement and public messages.

Williams explained that the other option is to install a scrolling digital sign similar to the one located at the First National Bank. The current sign attached to the bank is illuminated but is getting old and fading. The Bank may need to replace the sign. Williams is researching the possibilities of installing an Electronic Digital Billboard. He understands that the current City policy doesn't allow this type of sign. Williams is asking the City to consider changing its sign policy to allow Electronic Digital Billboards. Williams also understands that the Zoning Regulations does not allow two wall signs on the same side of the building.

Gus Straughen mentioned that he also helped create the current policy and at the time, flashing lights were of great concern. Straughen referenced flashing signs off I-35. He added that he understands that things change but feels that the current policy may still address today's concerns. Straughen suggested a timer maybe placed on the sign to ensure it shuts off at a prescribed time.

A discussion occurred concerning a possible text amendment to change the Zoning Regulations to allow Electronic Digital Billboards and who should be initiated it. Should the text amendment be driven by the Planning Commission or the Applicant. If the text amendment is driven by the Applicant, they may be required to pay the \$300 application fee. No determination was decided. This needs further discussion.

The general consensus from the Planning Commission was that this topic should be discussed further. Apple suggested that they discuss this topic during item 11 (New Business) of this meeting. No objections were made.

Anne Smith asked if the Downtown Revitalization Project would be affected if we allow Electronic Digital Billboards. Cassida and David Cannon both stated that signs were not discussed during any of the Downtown Revitalization meetings.

Mark Williams left the meeting room.

ITEM 8: R-1 Single Family Side Yard Setback Discussion:

Kelly Babb (KC Homebuilders) approached the podium to discuss his request. Reference Section 502.F2 of Zoning Regulations for this discussion:

“ The total of both side yard setbacks shall not be less than twenty (20) percent of the width of the lot, except that no side yard setback, other than a side yard setback abutting a street right-of-way, need be more than fifteen (15) feet. In no case shall a side yard setback be less than seven (7) feet.”

Cassida explained that the minimum side setback is seven feet measured from the furthest Architectural Projection of the house. This measurement is typically taken from eave to eave.

Babb mentioned that the trend is to build one story ranch style homes. He stated, with the current Zoning Regulations, he is having problems making homes fit on lots in Louisburg. Babb suggested that Louisburg determine side yard setbacks in Zoning Districts R-1 by measuring from exterior wall to exterior wall. This would provide an additional 4' to build the popular ranch style homes with three car garages. He added that his most requested plans will only fit on seven lots in the Hidden Creek Subdivision. Babb mentioned that he needs his plans to fit on a larger percentage of lots, not just select corner lots.

Apple asked, do you know of any other Citys that allows less side yard setback than Louisburg. Babb replied that this is the only City that determines setbacks in this manner. Sauber clarified, that's not the question. Babb replied no, but there are a few remote exceptions. Babb referenced Chapel Hill Subdivision located in Overland Park. They will allow 4' side yard setbacks. Apple stated that the Chapel Hill setback arrangement is an exception and not the norm.

Apple suggested that Babb redesign his homes to meet Louisburg's setback requirements. Cassida mentioned that others cities use the same measurement policy to determine setbacks. This practice is not uncommon. Apple mentioned that the current setbacks was established to facilitate the use of equipment incase work had to be done within the easement between houses.

Babb suggested removing the requirement for side soffits on new construction. This would provide him the extra footage. Cassida mentioned that a couple of houses were issued permits years ago without soffits. This was an oversight by Staff and the permits were issued in error. Cassida explained further by referencing Section 502.B1 of the Zoning Regulations:

“Single-family dwellings, subject to the following roof requirements

- a. Sloped roofs with three or more roof sloped planes.
- b. The minimum pitch of the roof shall have a vertical rise of four feet for each 12 feet of horizontal run.
- c. All roof structures shall provide an eave projection of no less that twelve (12) inches, excluding a gutter.”

Apple mentioned that the Zoning Regulation doesn't stipulate that eaves shall be on all four sides.

Cassida explained that its Staff's interoperation that soffits/eaves are required on all four sides. If the Planning Commission wishes to change Staff's interoperation it can do so. She cautioned that the new interpretation will also apply to construction in Commercial and Residential Zoning Districts. Cassida also suggest that a text amendment can be drafted to adjust this requirement.

Brandon Fosbinder expressed concern that houses maybe be getting too close if they change the side yard setback requirement. Scott Hipp and Andy Sauber agreed.

The general consensus from the Planning Commission was that this topic should be discussed further. Sauber suggested that they discuss this topic be discussed during item 11 (New Business) of this meeting. No objections were made.

Kelly Babb left the meeting room.

ITEM 9: Site Plan Waiver /Change of Use Request – 508 South Metcalf (Old Frankie's)

Cassida explained that property owner wishes to change the usage of the building from a Hair Salon to a Retail Establishment. In doing so the number of required parking spaces increases as outlined in the Section 705 of the Zoning Regulations. Currently there are seven existing spaces on the property and 6 located in the right-of-way.

Tom Reichert (Owner of the Property) approached the podium to explain his request. He stated that his has lost the interest of possible renters of the building when he explained the parking issues associated with the property.

Cassida mentioned that the owner had a survey done to his property. It confirmed that 6 of his parking spot are indeed located in the right-of-way. Cassida mentioned that neighboring

properties also had parking spots on the right-of-way. A Change of Use Request triggers the discussion concerning parking and will possibly require a new Site-Plan for the property.

Anne Smith asked if they plan to resurface the parking lot. Reichert replied with yes but he doesn't know what areas to pave because of the right-of-way issues. Cassida suggested that property owners in the area have typically paved in the right-of-way and it's not been an issue because there are no plans to widen South Metcalf. Staff would have no objections to paving the right-of-way in this instance. However, approval to do so shall come from the Planning Commission not Staff.

Cassida stated that typically, Staff would not support parking in the right-of-way. However, since a paved parking does exist in the area this would be considered maintenance and be supported by Staff in this instance.

Nate Apple made a motion to approve the Change of Use Request, waive the Site Plan requirement and the keep parking as is in the right-of-way with the following stipulation:

1. Owner shall stripe one ADA handicap parking stall.

The motion was seconded by Gus Straughen and passed 7-0

ITEM 10: OLD BUSINESS: Any old business the Commission may wish to discuss.

None

ITEM 11: NEW BUSINESS:

Chairperson Sauber solicited further discussion concerning Kelly Babb side setback request. This is a continuing conservation of Item 8 previously discussed during this meeting. After an extensive conversation, it was the consensus of the Planning Commission not to change the setback requirements outlined Section 502.F2 of the Zoning Regulations. No motion was made or formal vote was taken.

Chairperson Sauber solicited further discussion concerning Mark Williams Electronic Digital Billboard request. This is a continuing conservation of Item 7 previously discussed during this meeting.

Nate Apple suggested that the Planning Commission consider limiting electronic digital billboards so that they display time/temp, 60% public messages, 40% advertisement. It was also discussed to limit the amount of light candles an Electronic Digital Billboard can produce. The use of timers was also mentioned.

Gus Straughen expressed apprehension with changing the current sign policy.

The consensus of the Planning Commission was that more information is needed. It was suggested that Staff contact the following municipalities to gather their policies:

Leawood, Overland Park, Olathe, Lees Summit, and Blue Springs

This topic shall be discussed further at a later date when the Planning Commission has additional information. No motion made or vote was taken.

ITEM 12: REPORTS:

None

ITEM 13: ADJOURNMENT:

A motion was made by Rick Phillips to adjourn the meeting. Second was made by Anne Smith. The motion passed 7-0. Meeting adjourned at 8:39 p.m.

**Submitted by Rusty Whitham
Recording Secretary**